United Nations A/64/796

General Assembly

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Sixty-fourth session
Agenda item 29
Effects of atomic radiation

Letter dated 18 May 2010 from the Chair of the United Nations Scientific Committee on the Effects of Atomic Radiation addressed to the President of the General Assembly

I have the honour, as Chair of the United Nations Scientific Committee on the Effects of Atomic Radiation, and in consultation with the officers of the Committee, to inform you that the Committee requires extra time to respond to paragraph 13 of General Assembly resolution 64/85 of 10 December 2009 owing to force majeure.

You will recall that in paragraph 13 of resolution 64/85, the General Assembly reminded the Scientific Committee "to continue its reflection on how its current, as well as its potentially revised, membership could best support its essential work, including by developing, with the participation of the observer countries, detailed, objective and transparent criteria and indicators to be applied equitably to present and future members alike, and to report its conclusions by the end of June 2010".

Since the adoption of the resolution, the Chair and Vice-Chair had consulted by electronic mail and individually by telephone with representatives on the Scientific Committee, and had prepared process papers for the Committee to address the issue before the end of June 2010. The papers proposed elements that could serve as possible criteria and indicators for discussion and agreement at the fifty-seventh session of the Committee, scheduled to be held from 19 to 23 April 2010. While there was basic consensus on the approach, it was clear that face-to-face debate and agreement within the Committee as a whole, best conducted in an open and collegial forum, was necessary to reach conclusions.

Regrettably, force majeure owing to worldwide flight disruptions following the April 2010 volcanic eruptions in Iceland interfered with the ability of almost all representatives, advisers, observers and consultants to reach Vienna for the scheduled session. We were faced with the prospect of insufficient numbers for a quorum to permit us to reach conclusions. Accordingly, in extensive consultations with representatives and delegations by e-mail and telephone during the days preceding the meeting, facilitated enormously by the secretariat, I took the decision at 7 a.m. on Sunday, 18 April 2010, to postpone the meeting. There has been strong support of this decision from representatives and essentially no disavowal.

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By this timely response to the force majeure, the secretariat managed to retain sufficient resources to allow the fifty-seventh session of the Scientific Committee to be rescheduled. However, the unfortunate but inevitable consequence affects the ability of the Committee to reach conclusions on its response to paragraph 13 of resolution 64/85 before 30 June 2010. There were no logistic possibilities to reschedule the fifty-seventh session before 30 June 2010; however, the secretariat has managed to secure facilities for a rescheduled session from 16 to 20 August 2010 in Vienna.

The Committee is fully committed to responding to the General Assembly's request and recognizes the benefits that this process will bring to enhancing the efficiency of its work. I would emphasize that the Committee has reiterated its wish that its membership remain at about the present size. The development of criteria and indicators for membership is already well advanced, and I fully expect that the Committee can reach important conclusions at its rescheduled session.

Accordingly, I envisage that the Committee will be able to report its conclusions in response to paragraph 13 of resolution 64/85 after its rescheduled session to be held from 16 to 20 August 2010, and before the end of the sixty-fourth session of the General Assembly.

(*Signed*) Norman E. **Gentner**
Chair
United Nations Scientific Committee
on the Effects of Atomic Radiation

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Sixty-fourth session
Agenda item 112 (j)
Appointments to fill vacancies in subsidiary organs and other appointments: appointment of three ad litem judges of the United Nations Dispute Tribunal

Appointment of an ad litem judge of the United Nations Dispute Tribunal

Memorandum by the Secretary-General

I. Introduction

1. By its resolution 62/228, entitled "Administration of justice at the United Nations", the General Assembly decided, inter alia, to establish a two-tier formal system of administration of justice, comprising a first instance United Nations Dispute Tribunal and an appellate instance United Nations Appeals Tribunal.

2. In the same resolution, the General Assembly also decided that the judges of the Dispute Tribunal and the Appeals Tribunal shall be appointed by the General Assembly on the recommendation of the Internal Justice Council.

3. The statutes for the Dispute Tribunal and the Appeals Tribunal were adopted by the General Assembly in its resolution 63/253. The two Tribunals became operational on 1 July 2009.

4. On 2 March 2009, the General Assembly appointed the full-time and half-time judges of the Dispute Tribunal on the basis of the recommendations of the Internal Justice Council as set out in its report (A/63/489), and pursuant to the procedures outlined by the Secretary-General in his memorandum (A/63/700).

5. By its resolution 63/253, the General Assembly decided, inter alia, that as an interim measure three ad litem judges should be appointed by the General Assembly to the Dispute Tribunal. The General Assembly also decided that the three ad litem judges would have all the powers conferred on the permanent judges of the Dispute Tribunal and would be appointed only for a period of one year as from 1 July 2009.

6. By its decision 63/417 B of 31 March 2009, the General Assembly, pursuant to the above-mentioned resolution, and on the recommendation of the Internal Justice Council (see A/63/489/Add.1), appointed the following persons as ad litem judges

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of the Dispute Tribunal: Mr. Michael Adams (Australia), Mr. Jean-François Cousin (France) and Ms. Nkemdilim Amelia Izuako (Nigeria). The terms of the three ad litem judges, serving in New York, Geneva and Nairobi, respectively, began on 1 July 2009.

7. By its decision 64/418 of 29 March 2010, the General Assembly decided to extend the tenure of the three ad litem judges for one additional year, beginning on 1 July 2010.

8. On 5 April 2010, Judge Michael Adams informed the President of the General Assembly that, for personal reasons, he would be unable to accept the extension of his appointment as an ad litem judge of the Dispute Tribunal in New York.

9. It is therefore necessary for the General Assembly, during its sixty-fourth session, to appoint an ad litem judge to the Dispute Tribunal in New York. The term of office of that judge will be one year, beginning on 1 July 2010.

II. Internal Justice Council

10. In its report (A/64/791), the Internal Justice Council recommends two candidates to the General Assembly for consideration for appointment as an ad litem judge of the Dispute Tribunal in New York. Both were examined and interviewed by the Council in September 2008 and recommended for appointment as judges of the Appeals Tribunal, as described in the previous report of the Council (A/63/489).

11. Given the exigent circumstances and the need for the General Assembly to appoint the ad litem judge before 1 July 2010, the Council determined that it would not be desirable to delay the process by advertising to identify additional suitable candidates for the position. Accordingly, the Council based its recommendations for the ad litem judge on the candidates already identified in its report (A/63/489). Should the General Assembly require additional candidates to be identified, the Council has undertaken to take all necessary steps to do so.

12. The candidates recommended by the Council for appointment as an ad litem judge are:

(a) Marilyn Kaman (United States of America);

(b) Virgilijus Valančius (Lithuania).

13. The candidates' curricula vitae are provided in the annex to the above-mentioned report of the Internal Justice Council (A/64/791).

III. Procedure in the General Assembly

14. The appointment of ad litem judges to the United Nations Dispute Tribunal is not addressed in its statute. Accordingly the appointment of an ad litem judge will be made in accordance with the following:

(a) General Assembly resolution 63/253;

(b) General Assembly decision 64/418;

(c) The rules of procedure of the General Assembly;

(d) The recommendations of the Internal Justice Council as set out in its report to the General Assembly (A/64/791).

15. It is proposed that the General Assembly proceed to appoint an ad litem judge of the Dispute Tribunal in New York by way of an election, bearing in mind paragraph 58 of General Assembly resolution 63/253, in which the Assembly invited "Member States, when electing judges to the United Nations Dispute Tribunal and the United Nations Appeals Tribunal, to take due consideration of geographical distribution and gender balance". Only the two candidates recommended by the Internal Justice Council, whose names appear in this memorandum, are eligible for election. The electors in the General Assembly will indicate the candidate for whom they wish to vote by placing a cross against his or her name on the ballot paper.

16. The candidate obtaining the highest number of votes and a majority of votes in the General Assembly of the members present and voting will be considered as elected and thereby appointed by the Assembly as an ad litem judge of the Dispute Tribunal in New York.

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Security Council

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General Assembly
Sixty-fourth session
Agenda items 13 and 18

Security Council
Sixty-fifth year

Prevention of armed conflict

The situation in the occupied territories of Azerbaijan

Letter dated 27 May 2010 from the Permanent Representative of Armenia to the United Nations addressed to the Secretary-General

On 23 May 2010, parliamentary elections were held in Nagorno-Karabakh Republic. As in the past, these elections were also positively assessed by independent observers from different countries in terms of their organization, actual competitiveness and adherence to the legislation and international standards.

Not surprisingly, the state propaganda machinery of Azerbaijan has circulated yet another letter contained in document A/64/784-S/2010/249 dated 20 May 2010, making baseless and dangerous accusations towards the Armenian sides.

Notwithstanding the fiction contained in the above-mentioned letter, the fact remains that, as a result of the nation-wide, free and fair elections in Karabakh (Artsakh), stable political institutions, legitimate authorities, a functioning Government, an elected parliament, independent judiciary and civil control over military forces have been established. The commitment of the people of Nagorno-Karabakh to fundamental democratic values is further evident from the high degree of continued participation of the civil society in the ongoing political process.

The recognition of the inalienable right of the people of Artsakh to determine their own destiny is at the core of the proposals presented by the Organization for Security and Cooperation in Europe (OSCE) Minsk Group Co-Chairs for the settlement of the issue, based on which the current negotiations are being conducted.

The international community and, in particular, Azerbaijan should be more than interested in interacting with the authorities elected by the people of Artsakh during the settlement negotiations of the Nagorno-Karabakh issue, especially given the fact that it is also envisaged by the mandate of the OSCE Minsk Conference. Moreover, as OSCE Minsk Group Co-Chairs stated, they "understand the need for the de facto authorities in Nagorno-Karabakh to try to organize democratically the public life of their population".

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The elections held on 23 May serve as a testament to the commitment of the authorities and the people of Artsakh to strengthen democracy and the rule of law. With these elections, the citizens of Nagorno-Karabakh once again expressed their determination to live in freedom and independence.

I should be grateful if you would circulate the present letter as a document of the General Assembly, under agenda items 13 and 18, and of the Security Council.

(*Signed*) Garen **Nazarian**
Ambassador
Permanent Representative